

**Pt. 308**

**5 CFR Ch. I (1-1-04 Edition)**

appointments do not get such protection until they are converted to the competitive service.

[60 FR 3058, Jan. 13, 1995]

**PART 308—VOLUNTEER SERVICE**

Sec.

308.101 Definitions.

308.102 Eligibility and status.

308.103 Authority.

AUTHORITY: 5 U.S.C. 3111.

SOURCE: 44 FR 51183, Aug. 31, 1979, unless otherwise noted.

**§ 308.101 Definitions.**

In this part: *Student* is an individual who is enrolled not less than half-time in a high school, trade school, technical or vocational institute, junior college, college, university or other accredited educational institution. An individual who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 5 months and if such individual shows to the satisfaction of the agency that the individual has a bona fide intention of continuing to pursue a course of study or training in the same or different educational institution during the school semester (or other period into which the school year is divided) immediately after the interim.

*Volunteer Service* under the Act is limited to services performed by a student, with the permission of the institution at which the student is enrolled, as part of an agency program established for the purpose of providing educational experience for the student. Such service is to be uncompensated and will not be used to displace any employee or to staff a position which is a normal part of the agency's work force.

**§ 308.102 Eligibility and status.**

(a) *Minimum Age*. The selection of students to participate under the program should be in conformance with either Federal, State, or local laws and standards governing the employment of minors.

(b) *Status*. A student participating under an agency volunteer program is not considered to be a Federal em-

ployee for any purposes other than injury compensation or laws related to the Tort Claims Act. Service is not creditable for leave accrual or any other employee benefits.

**§ 308.103 Authority.**

Section 301 of the Civil Service Reform Act of 1978, Public Law 95-454, authorized Federal departments and agencies to establish programs designed to provide educationally related work assignments for students in non-pay status.

**PART 310—EMPLOYMENT OF RELATIVES**

**Subpart A—Restrictions on the Employment of Relatives**

Sec.

310.101 Coverage.

310.102 Definitions.

310.103 Restrictions.

**Subpart B—Emergency Exceptions**

310.201 Coverage.

310.202 Exceptions.

AUTHORITY: 5 U.S.C. 3302, 7301; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306.

SOURCE: 33 FR 12418, Sept. 4, 1968, unless otherwise noted.

**Subpart A—Restrictions on the Employment of Relatives**

**§ 310.101 Coverage.**

This subpart applies to appointment, employment, promotion, or advancement in (a) the competitive service; and (b) the excepted service in the executive branch.

**§ 310.102 Definitions.**

In this subpart:

(a) *Relative* means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) *Public official* means an officer, a member of the uniformed services, an

employee, and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

(c) *Chain of Command* is the line of supervisory personnel that runs from a public official to the head of his agency.

#### **§ 310.103 Restrictions.**

(a) A public official shall not advocate one of his relatives for appointment, employment, promotion, or advancement to a position in his agency or in an agency over which he exercises jurisdiction or control.

(b) A public official shall not appoint, employ, promote, or advance to a position in his agency or in an agency over which he exercises jurisdiction or control:

(1) One of his relatives; or

(2) The relative of a public official of his agency, or of a public official who exercises jurisdiction or control over his agency, if the public official has advocated the appointment, employment, promotion, or advancement of that relative.

(c) For the purpose of this section, a public official who recommends a relative, or refers a relative for consideration by a public official standing lower in the chain of command, for appointment, employment, promotion, or advancement is deemed to have advocated the appointment, employment, promotion, or advancement of the relative.

(d) This section does not prohibit the appointment in the competitive service of a preference eligible if (1) his name is within reach for selection from an appropriate certificate of eligibles and (2) an alternative selection cannot be made from the certificate without passing over the preference eligible and selecting an individual who is not a preference eligible.

### **Subpart B—Emergency Exceptions**

#### **§ 310.201 Coverage.**

This subpart applies to an office, agency, or other establishment in the

executive, legislative, or judicial branch of the Federal Government, and in the government of the District of Columbia.

(5 U.S.C. 3110)

#### **§ 310.202 Exceptions.**

When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or a national emergency as defined in § 230.402(a)(1) of this title, a public official may employ relatives to meet those needs without regard to the restrictions in section 3110 of title 5, United States Code, and this part. Appointments under these conditions are temporary not to exceed 1 month, but may be extended for a 2nd month if the emergency need still exists.

[60 FR 3058, Jan. 13, 1995]

## **PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT**

### **Subpart A [Reserved]**

### **Subpart B—The Career-Conditional Employment System**

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315.201 Service requirement for career tenure.

315.202 Conversion from career-conditional to career tenure.

### **Subpart C—Career or Career-Conditional Employment From Registers**

315.301 Tenure on appointment from register.

315.302 Acquisition of competitive status.

### **Subpart D—Career or Career-Conditional Employment by Reinstatement**

315.401 Reinstatement.

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315.403 Acquisition of competitive status.

### **Subpart E—Career or Career-Conditional Employment by Transfer**

315.501 Transfer.

315.502 Tenure on transfer.

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### **Subpart F—Career or Career-Conditional Appointment Under Special Authorities**

315.601 Appointment of former employees of the Canal Zone Merit System or Panama Canal Employment System.